

REMARKS

Claims 1-15 and 45-75 are pending in the application.

Claims 45-75 stand rejected.

Claims 1-15 stand rejected.

Claim 1 has been amended.

Rejection of Claims under 35 U.S.C. §101

Claims 1-15 stand rejected under 35 U.S.C. § 101 because the claimed invention is directed to non-statutory subject matter. As to the satisfaction of criteria 4 and 2, as presented in the Office Action (Office Action, pp. 3-4), Applicants respectfully submit that the amendments presented herein address the Examiner's concerns. The claimed invention now includes the limitation of causing the re-submitted order to be provisioned by the external provisioning system for provisioning, a useful, concrete and tangible result (the external provisioning system for provisioning being external to the claimed invention, and the result of the claimed invention's action being to cause the external system to perform a function). Thus, the fourth, and thus the second, criteria are satisfied thereby.

As to the third such criteria, Applicants respectfully submit that the claimed invention is limited to the provisioning and alteration of submitted orders, using a computer interface to do so. Applicants respectfully note that, given the limitations of claim 1, for example, substantially all practical applications of the same abstract idea, for at least the reason that an abstract idea is not being claimed, but instead, a computer implemented method for provisioning and alteration of submitted orders. Moreover, Applicants respectfully request that the abstract idea, for which

substantially all practical applications the claimed invention is said to foreclose, be clearly defined, so that, should the posited infirmity in the claims be well-founded, Applicants might meaningfully respond thereto.

Rejection of Claims under 35 U.S.C. §102

Claims 1-15 stand rejected under 35 U.S.C. § 102(b) as being anticipated by Wiecha, et al., U.S. Patent No. 5,870,717 (Wiecha).

While not conceding that the cited reference qualifies as prior art, but instead to expedite prosecution, Applicants have chosen to respectfully disagree and traverse the rejection as follows. Applicants reserve the right, for example, in a continuing application, to establish that the cited reference, or other references cited now or hereafter, do not qualify as prior art as to an invention embodiment previously, currently, or subsequently claimed.

As will be appreciated, “[a] ... claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference.” *Verdegall Bros. V. Union Oil Co. of California*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987). Such has not been demonstrated in the Office Action. Nevertheless, Applicants have made every effort to respond to the rejections outlined in the Office Action in as cogent manner as is practical, given the Office Action’s lack of direction in this regard.

Applicants are unable to find, in Wiecha’s disclosure, several of the limitations recited in amended independent claim 1, which now reads:

1. A computer-implemented method comprising:
submitting an order for provisioning,
generating a list of accounts;

selecting a selected account by detecting selection of one of the accounts, wherein
the selecting a selected account is performed using a computer;
generating a list of orders associated with the selected account, wherein
the list of orders comprises orders that have been submitted to an external
provisioning system for provisioning,
the orders comprise the order, and
the computer and the external provisioning system are communicatively coupled
to one another;

selecting a selected order by detecting selection of one of the orders that has been
submitted for provisioning by the external provisioning system, wherein
the selecting a selected order is performed using the computer, and
the selected order is the order;

detecting a request to make a change to the selected order, wherein the request comprises
a change to the selected order;

incorporating the change in the selected order;

submitting a re-submitted order by submitting the selected order for provisioning by the
external provisioning system;

synchronizing the re-submitted order in the external provisioning system to override the
one of the orders that had been submitted for provisioning; and

causing the re-submitted order to be provisioned by the external provisioning system.

Applicants respectfully submit that the submission of an order for provisioning is
nowhere shown, taught or suggested by Wiecha's disclosure. The claimed provisioning relates
to both products and services, as can be seen at several points in the present specification. (e.g.,
Specification, p. 2, line 17; p. 3, line 13; p. 22, line 26).

Moreover, Applicants maintain that the claimed synchronizing is not shown, taught or
suggested anywhere in Wiecha's disclosure. The claimed synchronizing represents the
functionality that allows an order for products and services being provisioned, to be retrieved,

altered and re-submitted. Applicants are unable to find any disclosure regarding the alteration of an existing order by retrieving, altering and re-submitting, anywhere in Wiecha.

The Office Action proposes that, in Wiecha, the arrow between EDI Gateway 130 and Order Processing Server 154 (entitled “Purchase Orders” “Change Orders & Cancellations” and “Order Acknowledgements”) of Fig. 7 in Wiecha shows, teaches and/or suggests the claimed synchronization. Applicants respectfully disagree. In describing such communications, Wiecha states:

“Networking software and services software including; a PRICING DAEMON 132 which receives purchase orders, change orders and cancellation order acknowledgments from the ORDER PROCESSING SVR 154 located in the Client Environment 123 via an EDI GATE Way 130.” (Wiecha, col. 4, ll. 48-53)

As can be seen, the communications proceed from ORDER PROCESSING SVR 154, through EDI GATE WAY 130, to PRICING DAEMON 132. These communications are thus one-way communications. Therefore, there is no retrieval, changing and re-submission of an order. An order can be subjected to a change order or cancellation, but these are commands sent out to PRICING DAEMON 132 – an order is not retrieved, changed and re-submitted, as in the claimed invention.

Thus, that Wiecha fails to comprehend functionality that allows for such changes to orders is to be expected, given that Wiecha’s system is merely directed to automating the ordering process, and fails to even recognize the problems created in the situation in which a user

might wish to change an order (and so, the provision of a solution thereto). And so, by its own terms, Wiecha is directed to:

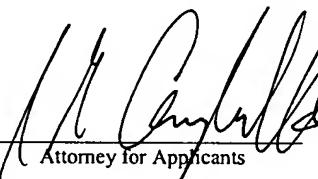
“Current corporate purchasing procedures are labor-intensive and therefore costly. The system enables an employee who needs an item which must be ordered from a supplier to select the item from an electronic catalog displayed on a personal computer and submit an order for approval and processing directly, by-passing both the normal paper approvals and the manual verification of the order by the organization's Purchasing department. It achieves this by means of an electronic catalog accessible from the employee's own personal computer, and a computer network and associated services linking the enterprise to one or more suppliers.” (Wiecha, Abstract)

As is evident, Wiecha is directed to a system for ordering items over computer network using an electronic catalog. And while Wiecha discloses changes to the electronic catalog (i.e., the items within the electronic catalog), nowhere does Wiecha disclose changes to the orders described therein. This mirrors the business process that Wiecha's system is intended to support, as once an order is in-process, changes to the order are typically difficult or impossible to make. Moreover, Wiecha clearly fails to provide any disclosure regarding the synchronizing of a re-submitted order in an external provisioning system in order to override the order that had been submitted for provisioning. No such overriding is performed by Wiecha, nor is such functionality addresses by Wiecha's disclosure.

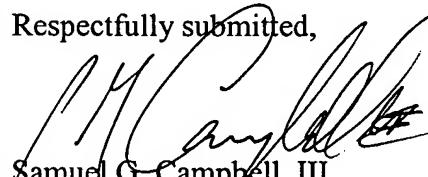
Applicants therefore respectfully submit that independent claim 1 is allowable over Wiecha. Applicants thus respectfully urge the Examiner to withdraw the §102 rejection of claim 1. Applicants further respectfully submit that dependent claims 2-15 are allowable as depending upon an allowable base claim in addition to being allowable for various other reasons.

CONCLUSION

In view of the amendments and remarks set forth herein, the application is believed to be in condition for allowance and a notice to that effect is solicited. Nonetheless, should any issues remain that might be subject to resolution through a telephonic interview, the Examiner is invited to telephone the undersigned at 512-439-5084.

I hereby certify that this correspondence is being deposited with the United States Postal Service as First Class Mail in an envelope addressed to: Mail Stop RCE, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on <u>March 5, 2007</u> .	
	<u>3/5/07</u>
Attorney for Applicants	Date of Signature

Respectfully submitted,



Samuel G. Campbell, III
Attorney for Applicants
Reg. No. 42,381
Telephone: (512) 439-5084
Facsimile: (512) 439-5099